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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,663	09/23/2003	Scott Schaefer	1990-0191.07/US	5561

7590 03/16/2004

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EXAMINER	
HO, HOAI V	

ART UNIT	PAPER NUMBER
2818	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,663	SCHAEFER, SCOTT	
	Examiner	Art Unit	
	Hoai V. Ho	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/23/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This office acknowledges receipt of the following items from the Applicant:

Information Disclosure Statement (IDS) was considered.

2. Claims 1-10 are presented for examination.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 11 and 12 of U.S. Patent No. 5,566,122. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim seems to differ from U.S. Patent No. '122 in that the claimed invention of the

instant application recites a "plurality of memory devices, each memory device having at least two sub-arrays" as claimed in claim 1 or a "plurality of memory devices, each memory device having a plurality of banks" while in '122, however, claimed a " plurality of memory die, a plurality of subarrays in each memory die." Therefore, one of ordinary skill in the art would have recognized that a "plurality of memory devices" or a " plurality of memory die" would have the same meaning or function.

5. Claims 1-4, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 and 8-10 of U.S. Patent No. 6,111,775. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim seems to differ from U.S. Patent No. '775 in that the claimed invention of the instant application recites a "plurality of memory devices, each memory device having at least two sub-arrays" in claim 1 or a "plurality of memory devices, each memory device having a plurality of banks" in claim 8 while in '775, however, claimed a " plurality of memory die, each memory die having a plurality of subarrays." Therefore, one of ordinary skill in the art would have recognized that a "plurality of memory devices" or a " plurality of memory die" would have the same meaning or function.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Amitai U. S. Patent No. 4,797,850.

Per claims 1-4, 8-10, Figure 5 of Amitai is directed to a method of operating an electronic device having a plurality of memory devices (20a to 20d), each memory device having at least two sub-arrays (col. 3, lines 36-39) therein, the method comprising: individually addressing each sub-array of each said memory device by communicating an address specific (ADDRESS, /RAS0-3, CAS0, and CAS1) to that sub-array across an address bus (Q0-Q8/9 of fig. 6) coupled to all said memory devices, and by individually selecting (/RAS0-3, CAS0, and CAS1) said individual memory device from among said plurality of memory devices. See col. 3, lines 45-63, and col. 4, line 42 to col. 5, line 50.

Per claim 5, Figure 5 of Amitai discloses further comprising maintaining at least one memory device of said plurality of devices in a standby mode (not selecting by /RAS), while accessing said memory cell in said selected sub-array (selecting by another /RAS). See col. 5, lines 4-12.

Per claims 6 and 7, Figure 5 of Amitai discloses wherein said individual selection of said at least one individual memory device comprises decoding a plurality of activation signals (/RASIN /CASIN0 and /CASIN1) to determine the memory device to be individually selected. See col. 3, lines 31-42.

8. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

9. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02 (b)).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is (571) 272-1777. Other inquiries of this application should be called to (571) 272-1562 or the fax number (703) 872-9306.

H. Ho
February 19, 2004

Hoai V. Ho
Primary Examiner
Art Unit 2818